

REMARKS

This paper is a response to the final Office Action mailed November 16, 2006. Claims 1 to 21 are under consideration.

REJECTIONS UNDER 35 U.S.C. §§102(e) and 103(a)

The rejection of claims 1 to 3, 5 to 12 and 15 to 21 under 35 U.S.C. §102(e) as allegedly anticipated by Syrowicz (U.S. Patent Publication No. 2003/0060810 A1) is respectfully traversed. The grounds for rejection are set forth in the Office Action, pages 2-4.

The subject application claims priority to a French patent application, 00/08175, filed June 26, 2000. The Syrowicz patent application was filed on February 15, 2001, and claims priority to a provisional application USSN 60/182,952, filed February 16, 2000. Thus, the subject application has a priority date of June 26, 2000, which is earlier than the February 15, 2001 filing of the Syrowicz patent application. Accordingly, in order for Syrowicz to be cited as prior art against claims 1 to 3, 5 to 12 and 15 to 21, all the subject matter relied upon for the rejection must have been described in the provisional application USSN 60/182,952.

Submitted herewith as Exhibit A is a copy of provisional application USSN 60/182,952 filed February 16, 2000. USSN 60/182,952 fails to teach or suggest each and every element of any of claims 1 to 3, 5 to 12 and 15 to 21. In particular, for example, as to claim 1, USSN 60/182,952 fails to teach or suggest a process for applying cosmetic products, including “applying, by means of a machine, suitable cosmetic products over said part according to said local characteristics....” At most, USSN 60/182,952 describes a laser to remove hair, which can be extended to acne treatment and tattoo removal (see Sections 1-3). However, a laser beam is not a “cosmetic,” let alone a “product.”

Thus, the Syrowicz priority provisional application USSN 60/182,952, filed February 16, 2000, fails to teach each and every element of claims 1 to 3, 5 to 12 and 15 to 21. Consequently, Syrowicz (U.S. Patent Publication No. 2003/0060810 A1), which was filed after the French priority patent application, is not prior art against claims 1 to 3, 5 to 12 and 15 to 21, and the rejection under 35 U.S.C. §102(e) must be withdrawn.

The rejection of claims 4, 13 and 14 as allegedly unpatentable under 35 U.S.C. §103(a) over Syrowicz (U.S. Patent Publication No. 2003/0060810 A1) in view of Lehmann et al. (U.S. Patent No. 6,575,751) is respectfully traversed. The grounds for rejection are set forth in the Office Action, pages 4-6.

As discussed, the Syrowicz priority provisional application USSN 60/182,952, filed February 16, 2000, fails to teach or suggest each and every element of claim 1. Thus, Syrowicz is not prior art against claims 1, 4, 13 and 14.

Lehmann et al. fail to teach or suggest each and every element of claims 4, 13 and 14. In particular, Lehmann et al. fail to teach or suggest any method for applying cosmetic products.

Thus, in view of the fact that Syrowicz is not prior art against claims 1, 4, 13 and 14, and Lehmann et al. fails to teach each and every element of claims 4, 13 and 14, the rejection under 35 U.S.C. §103(a) is improper and must be withdrawn.

CONCLUSION

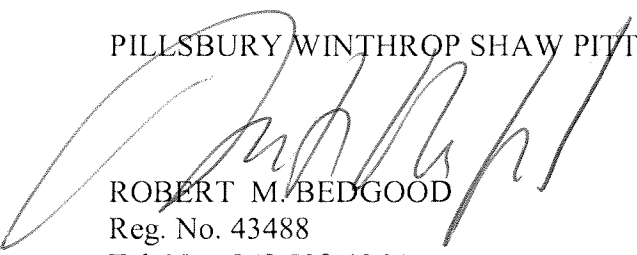
In summary, for the reasons set forth herein, Applicants maintain that claims 1 to 21 clearly and patentably define the invention, respectfully request that the Examiner reconsider the various grounds set forth in the Office Action, and respectfully request the allowance of the claims which are now pending.

If the Examiner would like to discuss any of the issues raised in the Office Action, Applicant's representative can be reached at (858) 509-4065.

Please charge any fees associated with the submission of this paper to Deposit Account Number 033975. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Respectfully submitted,

PILLSBURY WINTHROP SHAW PITTMAN LLP



ROBERT M. BEDGOOD

Reg. No. 43488

Tel. No. 858.509.4065

Fax No. 858.509.4010

Date: 5-15-07
Telephone: (703) 770-7900
Facsimile: (703) 770-7901
P.O. Box 10500
McLean, VA 22102